



Jefferson County Commission

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EXHIBIT

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Leonard Wortman, Chair Dave Kirsch, Commissioner Tom Lythgoe,
Commissioner

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House Local Government Committee

I'm sure someone is going to talk about Mountain States Transmission Intertie (MSTI) and how the counties involvement delayed the project. When we found out that the preferred alternative for the MSTI line was to have it located on over 80% private property we responded to the concerns of a great many people in our county and asked DEQ to let us sit down with them to talk about where the line crossed Jefferson County. Our county is over 70% public land and we currently have a 500 kv line that crosses Jefferson County Northeast of Boulder with most of it on public land. There was a route following the BPA line that could have had the line about 95% on public land. Another factor to consider was that Northwestern Energy (NWE) wanted the line to go to Mill Creek over by Anaconda. The Department of Environmental Quality's (DEQ) preferred alternative across private property didn't go to Mill Creek. We wanted to sit down with them to see if we could get them to have the BPA route as the preferred alternative. They refused saying that they were only days away from going to the printer with the Draft Environmental Impact Statement (DEIS). We tried several times, but finally filed suit in District Court.

The District Judge agreed with our position that local government should be able to have a seat at the table to represent the interests of its citizens. Keep in mind that the Judge issued his decision in a very short time frame, so at that time there would have been minimal delay to the release of the DEIS. DEQ and NWE appealed the decision to the Supreme Court which is what caused the major delay. The Supreme Court, in essence, ruled that a snapshot in time at the very beginning of the process during the scoping meetings was sufficient for county involvement. It still boggles my mind how they could think that should be sufficient. So many things change over several years. Remember that DEQ originally said that the DEIS was only days away from going to the printer in the Spring of 2010. However, their co-lead agency, the Bureau of Land Management (BLM) continued to work steadily on the DEIS for the next two and a half years until the project was shut down. It makes you wonder what kind of product they had ready in the Spring of 2010.

Our desire with Coordination is not to delay, demand, or impede. Our desire is to have a seat at the table as these decisions are being made so that we can represent the people that are most impacted. Growth policies, zoning regulations, and other local policies are put in place for a reason. They are developed by the people who live, work and recreate in the area. For example, back in the 1990's land owners in a large part of Southern Jefferson County put together an AG zoning area. It doesn't allow development of less than 640 acres and it has other restrictions that they hope would keep the entire area rural so agriculture wouldn't be impeded. It would be essential for any agency or company that wants to do something in that area to understand this regulation and be willing to work with local officials to resolve any differences.

The days of government or big businesses bulldozing their way through landowners without those landowners having a voice during the entire process has to come to a halt. As County Commissioners, we live among these folks. They elect us to office because they trust us to represent them.

Let me give you a prime example of how Coordination should work. The Montana Department of Transportation (MDOT) decides that it is time to rebuild Highway 69 from Boulder South to the Elkhorn turnoff. They set up a meeting with the County Commissioners to talk about what they are planning. Then we hold a public meeting and lay out the proposed project to the public for comments. In the meantime they start working on design. At various times they invite the County Commissioners to meetings with a roomful of folks who are working on different parts of the project. We are welcomed and asked for our ideas and suggestions. After the first public meeting we received a lot of comments about having a bike path from Boulder to the Elkhorn turnoff. We talked about this idea and the folks from MDOT went about seeing if they could make it work. At each meeting we discussed the idea and in the final design the highway will have 8' shoulders to accommodate the bicyclists and walkers. Should that be so difficult? I don't think so. That's exactly what has occurred with Highway 69. Most of the other State agencies could take some lessons from MDOT.

In the fiscal note, Fish Wildlife and Parks (FWP) claims that Coordination will cost them \$191,240. I hope one of you will ask the FWP representative if they have a dollar value for all of the Block Management acres that have been pulled over the past couple of years because of the way they have been treating landowners. If they are currently doing 20 actions a year without public involvement it's no wonder landowner relations are at an all-time low.

The Department of Natural Resources (DNRC) really went overboard in their attempt to derail this bill. Under #29 and #30 in the fiscal note they say that the Water Resources Division (WRD) alone will need to hire an additional 28 people because as they state "WRD coordination activities with the counties could include: review of county plans; floodplain management; water right activity; adjudication of water rights; rehabilitation and management of state water projects; policy development regarding the conservation, development, utilization, and sustainability of the state's water resources; water well activity; and dam safety." REALLY! I would think that if DNRC is NOT doing these things now, you folks may have some big issues.

Coordination will not delay anything. Under Coordination, the County will be involved from the beginning and the projects will proceed the same as they usually would. What causes delays and extra expenses is when our government tries to push a project through without proper public involvement.

I am sure each of you have said you are here to do the 'Peoples' business. We all need to remember: Government works FOR the people, not the other way around. I encourage you to pass House Bill 326 and give our citizens another tool to help their voices be heard.



Leonard Wortman, Chair
Jefferson County Board of Commissioners

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